

ASSEMBLY BILL

No. 880

Introduced by Assembly Member Cohn

February 18, 2005

An act to amend Section 300.2 of, and to add Sections 361.31, 361.32, 361.33, and 361.34 to, the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 880, as introduced, Cohn. Dependent children.

Existing law provides for the placement of dependent children by the juvenile court according to specified procedures.

This bill would specify that when the return of a dependent child to his or her parent is not possible and placement of the child is being considered, the primary purpose of the law with respect to dependent children is to identify family members who may be able to safely care for the child. The bill would also set forth various requirements for the State Department of Social Services to ensure that as many family members of dependent children are identified, including the development of a grant proposal for at least 2 pilot projects to assist family member caregivers, as specified, and the preparation of a report to the Legislature and the Governor on the pilot projects within one year of their implementation. The bill would also require the department to establish an oversight committee, as specified, to monitor, guide, and report on family member care recommendations and implementation activities, specify how the committee shall be comprised, and require the oversight committee to report to the Legislature and the Governor on the status of family member care issues on or before January 1, 2007.

The bill would impose a state-mandated local program by requiring social workers to meet further requirements regarding a dependent child's case record.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 300.2 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 300.2. (a) Notwithstanding any other provision of law, the
- 4 purpose of the provisions of this chapter relating to dependent
- 5 children is to provide maximum safety and protection for
- 6 children who are currently being physically, sexually, or
- 7 emotionally abused, being neglected, or being exploited, and to
- 8 ensure the safety, protection, and physical and emotional
- 9 well-being of children who are at risk of that harm. This safety,
- 10 protection, and physical and emotional well-being may include
- 11 provision of a full array of social and health services to help the
- 12 child and family and to prevent reabuse of children. The focus
- 13 shall be on the preservation of the family as well as the safety,
- 14 protection, and physical and emotional well-being of the child.
- 15 The provision of a home environment free from the negative
- 16 effects of substance abuse is a necessary condition for the safety,
- 17 protection and physical and emotional well-being of the child.
- 18 Successful participation in a treatment program for substance
- 19 abuse may be considered in evaluating the home environment. In
- 20 addition, the provisions of this chapter ensuring the
- 21 confidentiality of proceedings and records are intended to protect
- 22 the privacy rights of the child.
- 23 (b) *When the return of a dependent child to his or her parent*
- 24 *is not possible and placement of the child is being considered,*

1 *the primary purpose of this chapter is to identify family members*
2 *who may be able to safely care for the child. To this end, all*
3 *professionals having interaction with a child who is described in*
4 *this section shall take steps to identify, contact, and engage*
5 *family members, as defined in paragraph (2) of subdivision (c) of*
6 *Section 361.3, who may be potential caretakers or support*
7 *persons for the child.*

8 SEC. 2. Section 361.31 is added to the Welfare and
9 Institutions Code, to read:

10 361.31. (a) In order to ensure that as many family members
11 as possible have been identified so that the requirements of
12 Section 361.3 can be fully carried out, the following steps shall
13 be taken:

14 (1) The State Department of Social Services shall plan, design,
15 and implement strategies to prioritize the placement of children
16 with willing and able family members when out-of-home
17 placement is required.

18 (2) These strategies shall include at least the following:

19 (A) Development of standardized, statewide procedures to be
20 used when searching for family members of children prior to
21 out-of-home placement. The procedures shall include a
22 requirement that documentation be maintained in the child's case
23 record that identifies family members, and documentation that
24 identifies the assessment criteria and procedures that were
25 followed during all family member searches. The procedures
26 shall be used when a child is placed in out-of-home care under
27 the authority of Section 361, when a petition is filed pursuant to
28 Section 300, when a child is placed in out-of-home care under
29 Section 305, or when a child is placed under a voluntary
30 placement agreement.

31 (B) To assist with implementation of the procedures, the
32 department shall request that the juvenile court require parents to
33 disclose to the department all contact information for available
34 and appropriate family members within two weeks of the date an
35 order is entered. For placements under signed voluntary
36 agreements, the department shall encourage the parents to
37 disclose to the department all contact information for available
38 and appropriate relatives within two weeks of the date the parent
39 signs the voluntary placement agreement. Additionally, the
40 department and the attorney or guardian ad litem for the child

1 shall inquire of children of sufficient age concerning family
2 members.

3 (3) The department shall develop of procedures for conducting
4 active outreach efforts to identify and locate family members
5 during all searches. The procedures shall include at least the
6 following elements:

7 (A) Reasonable efforts to interview known relatives, friends,
8 teachers, the child, and other identified community members who
9 may have knowledge of the child's relatives, within 60 days of
10 the child entering out-of-home care.

11 (B) Increased use of those procedures determined by research
12 to be the most effective methods of promoting reunification
13 efforts, permanency planning, and placement decisions.

14 (C) Contacts with relatives identified through outreach efforts
15 and interviews under this subdivision as part of the permanency
16 planning activities and change of placement discussions.

17 (D) Establishment of a process for ongoing contact with
18 family members who express interest in being considered as a
19 placement resource for the child.

20 (E) A requirement that when the decision is made to not place
21 the child with any relative, the department provides
22 documentation as part of the child's individual service and safety
23 plan that clearly identifies the rationale for the decision and
24 corrective action or actions the family member shall take to be
25 considered as a viable placement option.

26 (F) A requirement that the department take all reasonable steps
27 immediately to determine paternity issues and that the juvenile
28 court assist in this determination by making inquiry and
29 appropriate orders as soon as paternity issues come to the court's
30 attention. Those reasonable steps shall include prompt paternity
31 testing of alleged fathers.

32 (b) This section shall also apply to all foster children who are
33 not residing with relatives.

34 (c) Nothing in this section shall be construed to create an
35 entitlement to services or to create judicial authority to order the
36 provision of services to any person or family if the services are
37 unavailable or unsuitable, or the child or family is not eligible for
38 those services.

39 SEC. 3. Section 361.32 is added to the Welfare and
40 Institutions Code, to read:

1 361.32. (a) The State Department of Social Services shall
2 collaborate with one or more nonprofit community-based
3 agencies to develop a grant proposal for submission to potential
4 funding sources, including governmental entities and private
5 foundations, to establish a minimum of two pilot projects to
6 assist family member caregivers with understanding and
7 navigating the system of services for children in out-of-home
8 care. The proposal shall seek to establish at least one of these
9 projects in Los Angeles County.

10 (b) The family member care navigators funded through the
11 proposal shall be responsible for at least the following:

12 (1) Understanding the various state agency systems serving
13 family member caregivers.

14 (2) Working in partnership with local community service
15 providers.

16 (3) Tracking trends, concerns, and other factors related to
17 family member caregivers.

18 (4) Assisting in establishing stable, respectful relationships
19 between family member caregivers and department staff.

20 (c) Implementation of the family member care navigator pilot
21 project is contingent upon receipt of the federal or private
22 funding for that purpose.

23 SEC. 4. Section 361.33 is added to the Welfare and
24 Institutions Code, to read:

25 361.33. The State Department of Social Services shall report
26 to the Legislature and the Governor on the implementation of the
27 family member care navigator pilot projects with
28 recommendations on statewide implementation of the pilot
29 projects within one year following implementation of the pilot
30 projects. The report shall include data that demonstrates whether
31 the pilot project has reduced actual barriers to access to services,
32 identify statutory and administrative barriers for the family
33 members who give care, and recommend ways to reduce or
34 eliminate the barriers without adverse consequences to children
35 placed with family members.

36 SEC. 5. Section 361.34 is added to the Welfare and
37 Institutions Code, to read:

38 361.34. (a) Within existing resources, the State Department
39 of Social Services shall establish an oversight committee to
40 monitor, guide, and report on family member care

1 recommendations and implementation activities. The committee
2 shall do all of the following:

3 (1) Draft a family member care definition that is restricted to
4 persons related by blood or marriage, including marriages that
5 have been dissolved, or for a minor defined as an "Indian child"
6 under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
7 et seq.), the definition of "extended family member" under the
8 federal Indian Child Welfare Act, together with a set of guiding
9 principles. If the committee concludes that one or more programs
10 or services would be more efficiently or effectively delivered
11 under a different definition of family member, it shall state what
12 definition is needed, and identify the programs or services in the
13 report. It shall also provide evidence of how the program or
14 service will be more efficiently and effectively delivered under
15 the different definition. The department shall not adopt rules or
16 policies changing the definition of family member without
17 authorizing legislation.

18 (2) Monitor the implementation of recommendations
19 contained in any report on the progress of the pilot projects.

20 (3) Partner with nonprofit organizations and private sector
21 businesses to guide a public education awareness campaign on
22 family member care issues.

23 (4) Assist with developing future recommendations on family
24 member care issues.

25 (b) The oversight committee shall consist of a minimum of 30
26 percent family member caregivers, who shall represent a
27 diversity of kinship families, and provide statewide
28 representation with geographic, ethnic, and gender diversity.
29 Other members shall include representatives of the department,
30 representatives of relevant state agencies, representatives of the
31 private nonprofit and business sectors, child advocates, at least
32 one representative from the California Youth Connection,
33 representatives of the California state Indian tribes, as defined
34 under the federal Indian Welfare Act (25 U.S.C. Sec. 1901 et
35 seq.), and representatives of the legal or judicial field. Birth
36 parents, foster parents, and others who have an interest in these
37 issues may also be included.

38 (c) To the extent funding is available, the department may
39 reimburse nondepartmental members of the oversight committee

1 for costs incurred in participating in the meetings of the oversight
2 committee.

3 (d) The family member care oversight committee shall report
4 to the Legislature and the Governor on the status of family
5 member care issues on or before January 1, 2007.

6 SEC. 6. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.